IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 16-41044 Summary Calendar United States Court of Appeals Fifth Circuit

FILED

January 3, 2017

Lyle W. Cayce Clerk

UNITED STATES OF AMERICA.

Plaintiff-Appellee

v.

JOSE CISTO-VARGAS,

Defendant-Appellant

Appeal from the United States District Court for the Southern District of Texas USDC No. 5:16-CR-212-1

Before KING, DENNIS, and COSTA, Circuit Judges. PER CURIAM:*

The Federal Public Defender appointed to represent Jose Cisto-Vargas has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Cisto-Vargas has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur with counsel's assessment that the appeal presents no nonfrivolous

^{*} Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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issue for appellate review. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.